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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,686	04/05/2000	Daryl L. Champagne	200-0090	6796
33198	7590	02/19/2004	EXAMINER	
BARTON E. SHOWALTER 2001 ROSS AVENUE, 8TH FLOOR DALLAS, TX 75201-2980			GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/543,686

Applicant(s)

CHAMPAGNE ET AL.

Examiner

Matthew s Gart

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 2, 2003 has been entered.

Claims 1-44 are pending in the instant application. Claims 1, 21 and 26 have been amended via Paper No. 22.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6, 13-31 and 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over a public use of the invention by Toyota in view of Henson U.S. Patent No. 6,167,383.**

Evidence of public use of the invention by Toyota is demonstrated via the following periodicals:

"Push is on shorten lead-times for custom car orders," Brian Milligan, Purchasing, Boston, October 7, 1999, Volume 127, Issue 5, page 74.  
(PTO-892, Ref U)

"Can Car-Makers Emulate Dell? Toyota Tries," Jeffrey Bodestab, Wall Street Journal, Brussels, August 31, 1999, page 10.  
(PTO-892, Ref V)

"e-Parcel Delivers Data for Toyota's Production Control Division," Business/Technology/Automotive Writers, Business Wire, New York, June 1, 1999, page 1.  
(PTO-892, Ref W)

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"Customers Move into the Driver's Seat: Personalized products become viable with the net," Otis Port, Business Week, New York, October 4, 1999, Issue 3649, page 103.  
(PTO-892, Ref X)

Referring to claim 1. Toyota discloses an online method of ordering and purchasing customized products, comprising:

- Receiving a custom order message incorporating order data and product configuration data submitted by an online user (Toyota, Page 12: Customers would pick and choose from a menu of onscreen options, then hit a button to send the order straight to the factory. Toyota has been equipping showrooms in Japan with Internet terminals since 1995.");
- Entering the custom order and order data and product configuration into an order bank to be scheduled for manufacturing (Toyota, Page 2: "A quick order"); and
- Canceling the custom order after processing of the custom order is initiated and before the custom order is scheduled for manufacturing if a cancel request is received from the user (Toyota, Page 1: "The problem now is with last minute changes, whereby a supplier gets a production order and then it is changed... It happens quite frequently now.").

Toyota does not expressly disclose an online method of ordering and purchasing customized products, comprising:

- Storing the order data and product configuration into a buyer database; and

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- Generating an order confirmation message and sending the order confirmation message to the user.

Henson discloses an online method of ordering and purchasing customized products, comprising:

- Storing the order data and product configuration into a buyer database (Figure 1, "Database 24"); and
- Generating an order confirmation message and sending the order confirmation message to the user (Figure 1, "THANK YOU" and column 5, lines 23-27).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Toyota to have included the limitations found in the method of Henson in order to have solved problems that existed in previous generation online stores including a lack of responsiveness to customer requests and an incompleteness of information delivery (column 2, lines 48-58).

Furthermore, Henson is assigned to Dell and discloses a method and apparatus for providing customer configured machines at an Internet site. PTO-892, Ref U, explicitly discloses that Toyota is trying to emulate Dell's business model of delivering personal products to order.

Referring to claim 2. Toyota further discloses a method comprising:

- Receiving input entered on a web page by the user to submit a custom order, including product configuration data (Toyota, Page 12: Customers would pick and choose from a menu of onscreen options, then hit a button to send the order

straight to the factory. Toyota has been equipping showrooms in Japan with Internet terminals since 1995.”);

- Generating the custom order message incorporating the product configuration data and sending the custom order message to a web server (Toyota, Page 2: “The system would make short order to manufacture time possible... customers would be able to place an order, then receive the finished car in just five days.”); and
- Routing the custom order message to a workflow manager (Toyota, Page 1: “This system calculates exactly how many of a particular part will be needed at specific points on a production line to assemble certain cars. The information forms that basis of provisional orders to the plant’s suppliers.”).

Referring to claim 3. Toyota further discloses a method comprising:

- Sending the custom order data to a dealer selected by the user (Toyota, Page 2: “A quick Order”); and
- Routing the custom order message to a B2B server, which sends it to an order processor (Toyota, Page 2: “A quick Order”).

Referring to claim 4. Toyota further discloses a method comprising generating a unique order number for the custom order (Toyota, Page 2: “...an order is given at a dealership; five days later, the manufacturing facility begins making the car. The finished vehicle is then shipped out.”).

Referring to claim 5. Toyota in view of Henson discloses a method according to claim 1 as indicated supra. Henson further discloses a method comprising:

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- Receiving customer data related to the user from the user (Henson: Figure 7 and Figure 8); and
- Storing the customer data in a common membership database (Henson: Figure 7 and Figure 8).

Referring to claim 6. Toyota in view of Henson discloses a method according to claim 1 as indicated supra. Henson further discloses a method comprising:

- Receiving online payment data from the user for the custom order (Henson: Figure 10);
- Processing the online payment data of the product (Henson: Figure 10); and
- Confirming the online payment processing completion (Henson: Figure 10).

Referring to claim 13. Toyota in view of Henson discloses a method according to claim 1 as indicated supra. Toyota further discloses a method comprising:

- Receiving a lead request message incorporating lead data and product configuration data submitted by the user, the lead-time identifying the online user as a potential customer (Toyota, Pages 1-5);
- Storing the lead data and product configuration into a buyer database (Toyota, Pages 1-5); and
- Generating a lead confirmation message and sending the lead confirmation message to the user (Toyota, Pages 1-5).

Referring to claims 14-18. Toyota in view of Henson discloses a method according to claim 13 as indicated supra. Toyota further discloses a method comprising a lead update status function (Toyota, Page 4: "If a manufacturer could give a supplier a



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production schedule for four days from today and hold that production schedule, it helps everyone... If a day later, they change it again, the supplier has difficulty determining what he needs to produce.”).

Referring to claim 19. Toyota further discloses a method comprising:

- Receiving a cancel custom order request from the user (Page 2, “According to the plan, dealers can place orders for fully accessorized cars in a 90-day advanced order. They can make changes to some of these cars and strip away certain options in a limited time period, usually a week.”);
- Deleting a custom order associated with the cancel customer order request from an order bank (Page 2, “According to the plan, dealers can place orders for fully accessorized cars in a 90-day advanced order. They can make changes to some of these cars and strip away certain options in a limited time period, usually a week.”); and
- Updating a buyer database to reflect the updated status of the user (Page 2, “According to the plan, dealers can place orders for fully accessorized cars in a 90-day advanced order. They can make changes to some of these cars and strip away certain options in a limited time period, usually a week.”).

Referring to claim 20. Toyota further discloses a method comprising:

- Receiving a cancel tag order request from the user (Page 2, “According to the plan, dealers can place orders for fully accessorized cars in a 90-day advanced order. They can make changes to some of these cars and strip away certain options in a limited time period, usually a week.”);

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- Modifying data associated with a cancelled tag order in an order bank (Page 2, “According to the plan, dealers can place orders for fully accessorized cars in a 90-day advanced order. They can make changes to some of these cars and strip away certain options in a limited time period, usually a week.”);
- Modifying data of a product associated with the cancelled tag order in an enterprise product availability database (Page 2, “According to the plan, dealers can place orders for fully accessorized cars in a 90-day advanced order. They can make changes to some of these cars and strip away certain options in a limited time period, usually a week.”); and
- Updating a buyer database to reflect the updated status of the user (Page 2, “According to the plan, dealers can place orders for fully accessorized cars in a 90-day advanced order. They can make changes to some of these cars and strip away certain options in a limited time period, usually a week.”).

Referring to claim 21. Claim 21 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 22. Claim 22 is rejected under the same rationale as set forth above in claim 2.

Referring to claim 23. Claim 23 is rejected under the same rationale as set forth above in claim 5.

Referring to claim 24. Claim 24 is rejected under the same rationale as set forth above in claim 4.

Referring to claim 25. Toyota discloses a method according to claim 21 as indicated supra. Toyota further discloses a method wherein the online order is for customer ordering of a vehicle.

Referring to claims 26-31. Arledge discloses claims 26-31 under the same rationale as set forth above in claims 1-7.

Referring to claims 39-40. Arledge discloses claims 39-40 under the same rationale as set forth above in claims 2-3.

Referring to claim 43. Claim 43 is rejected under the same rationale as set forth above in claim 19 and claim 26.

Referring to claim 44. Claim 44 is rejected under the same rationale as set forth above in claim 20 and claim 26.

**Claims 7-12 and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over a public use of the invention by Toyota in view of Henson U.S. Patent No. 6,167,383, in further view of Green U.S. Patent 6,041,310.**

Referring to claim 7. Toyota in view of Henson discloses a method according to claim 1 as indicated supra. Toyota in view of Henson does not expressly disclose a method comprising:

- Displaying a list of products substantially matching product configuration data entered by the online user;

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- Receiving a user-tagging of a particular product from the list and a tag order message incorporating tag order data and product configuration data submitted by the user;
- Storing the tag order data and product configuration into a buyer database;
- Modifying inventory data in an inventory database associated with the tagged product to indicate unavailability; and
- Generating a tag order confirmation message and sending the tag order confirmation message to the user.

Green discloses a method comprising:

- Displaying a list of products substantially matching product configuration data entered by the online user (Green: column 1, lines 17-26 and column 9, lines 15-32);
- Receiving a user-tagging of a particular product from the list and a tag order message incorporating tag order data and product configuration data submitted by the user (Green: Figure 12);
- Storing the tag order data and product configuration into a buyer database (Green: Figure 1);
- Modifying inventory data in an inventory database associated with the tagged product to indicate unavailability (Green: column 10, lines 55-61 and claim 1); and
- Generating a tag order confirmation message and sending the tag order confirmation message to the user (Green: Figure 12A).

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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Toyota in view of Henson to have included the limitations of Green as discussed above in order to allow customers to sift through myriad choices available for a purchase (Green: column 2, lines 14-24).

Referring to claim 8. Claims 8 is rejected under the same rationale as set forth above in claim 2 and 7.

Referring to claim 9. Claims 9 is rejected under the same rationale as set forth above in claim 3 and 7.

Referring to claim 10. Claims 10 is rejected under the same rationale as set forth above in claim 4 and 7.

Referring to claim 11. Claims 11 is rejected under the same rationale as set forth above in claim 5 and 7.

Referring to claim 12. Claims 12 is rejected under the same rationale as set forth above in claim 6 and 7.

Referring to claims 32-38. Claims 32-38 are rejected under the same rationale as set forth above in claims 7-12.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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"GM Tests E-Commerce Plans in Emerging Markets -- In Taiwan, the Auto Maker Prepares to Sell Made-To-Order Cars Online," Fara Warner, Wall Street Journal, New York, October 25, 1999, page 1

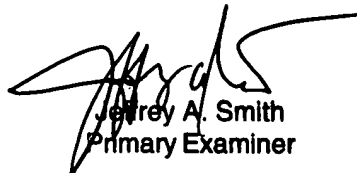
Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

February 9, 2004

  
Jeffrey A. Smith  
Primary Examiner